

MEMO ENDORSED

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April 26, 2023

Hon. Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Kwame Garnett, et al.
S2 21 Cr. 414 (KPF)

Dear Judge Failla:

On behalf of **Kwame Garnett**, I respectfully write to ask the Court's assistance in compelling the Hudson County Jail to provide Mr. Garnett with needed medical services. Mr. Garnett was moved from Westchester County Jail to Hudson County Jail during the week of April 10, 2023. After his move, I received numerous messages from Mr. Garnett's family members sharing his texted cries for help and relating that he had not received any medical treatment since arriving at Hudson County Jail.

I promptly reached out to AUSA Thomas Wright, who took an active role in calling the Hudson County Jail to relay our concerns and request medical attention. Unfortunately, despite their words of assurance to AUSA Wright, Hudson County Jail has not yet provided adequate medical care to Mr. Garnett.

Mr. Garnett suffers from a chronic musculoskeletal condition that causes him great pain. He is supposed to receive weekly shots of medication to treat his condition. *See Medical*

Attention Form as to Kwame Garnett filed on the docket on February 24, 2022. He was receiving those shots at Westchester County Jail. However, he has not received a shot since arriving at Hudson County Jail and is in serious pain as a result. In addition, although Westchester County Jail had approved Mr. Garnett for a cane to assist his mobility, and he brought the cane with him during the transfer, Hudson County Jail has confiscated it and refused to give it to him. His impaired mobility is a real concern. Stairs are difficult for him to navigate (even with the cane), but he now has to go up a flight of 25 stairs to reach his cell, and down those same stairs to reach the common area or to access the dining and visiting areas. Last week he nearly suffered a serious fall on the stairs. But he cannot avoid them.

Although Hudson County Jail informed AUSA Wright that medical personnel had assessed Mr. Garnett on several occasions, our client and his family members have relayed to us that he was seen only by a sergeant at the facility, who questioned him about why he needed a cane, but did not give it to him. He has still not been seen by an individual with a medical degree (whether a nurse practitioner or a doctor), has not received his cane, and has not received any medication – not even Ibuprofen -- for his joint pain.

Due to the urgency of this matter, and because the Hudson County Jail has not provided adequate care to Mr. Garnett despite their assurances to AUSA Wright, I respectfully ask the Court to Order that Mr. Garnett be examined by a trained medical professional immediately, that he be given his cane, and that he receive all necessary medical treatment including the weekly shots that he needs.

If Hudson County Jail is unable to provide adequate medical care for Mr. Garnett or declines to give him his cane, I respectfully ask the Court to Order that he be returned to Westchester or transferred to another facility where he can receive the care and medical accommodation that he needs.

Thank you for your consideration and continued courtesies to counsel.

Respectfully submitted,

/s/
Richard H. Rosenberg, Esq.

Cc: All parties (by ECF)

Application GRANTED. The Court will issue an order to the Warden of the Hudson County Jail under separate cover.

The Clerk of Court is directed to terminate the motion at docket entry 173.

SO ORDERED.

Dated: April 27, 2023
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE